



U.S. Army Corps  
of Engineers  
Seattle District

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# **Centralia Flood Damage Reduction Project Chehalis River, Washington General Reevaluation Report**

## **Appendix E: Real Estate Plan**

**Jun 2002**

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## **1.0 Introduction**

### **1.1 Real Estate Plan Purpose**

This Real Estate Plan (REP) is presented in support of the Chehalis River at Centralia Flood Damage Reduction Study and describes the real estate required to implement the project. The purpose of the Real Estate Plan is (1) to identify the lands, easements, rights-of-way, relocations and disposal sites (LERRD) necessary to support construction, operation and maintenance of the proposed project elements described in the General Reevaluation Report (GRR); (2) to outline the costs and real estate considerations associated with project implementation; and (3) to assess the Non-Federal Sponsor's (NFS) capability for LERRD acquisition. For purposes of this plan, Lewis County, Washington is the Non-Federal Sponsor.

### **1.2 General Project Description**

The U.S. House of Representatives Committee on Transportation and Infrastructure adopted Resolution 2581 on 9 October 1998, requesting a review of past Corps report recommendations with a view to determining if the recommendations should be modified "with particular reference to flood control and environmental restoration and protection, including non-structural floodplain modification." Resolution 2581 provided the authority and directive for the Corps to conduct this Flood Damage Reduction Study for the Chehalis River Basin.

The proposed project footprint encompasses approximately 1365 acres, which includes approximately 107 acres of setback levees and/or floodwalls along the Chehalis and Skookumchuck rivers, 871 acres at the Skookumchuck Dam and Skookumchuck Lake water impoundment area behind the dam, and 387 acres to support environmental mitigation elements at 7 sites located throughout the general project area. The proposed setback levee alignments will protect existing residential and commercial structures, highway and other transportation infrastructure from flooding while allowing floodplain and channel connectivity for environmental purposes. Since the proposed setback levees are designed to protect current development and preserve as many of the current floodplain functions as possible, development within the unprotected areas of floodplain would, therefore, be discouraged.

Setback levees will extend along the Chehalis River from approximately River Mile 64 near the city of Centralia, to River Mile 75 near the city of Chehalis, as well as along most of the lower two miles of both Dillenbaugh Creek and Salzer Creek. In addition, levee protection will be provided on the Skookumchuck River for backwater effects of the Chehalis River and flooding from the Skookumchuck dam. The effected reach on the Skookumchuck River extends approximately 1 mile upstream from the confluence with the Chehalis River.

### **1.3 Specific General Reevaluation Study Objectives**

The objective of the GRR is to develop flood damage reduction alternatives that minimize environmental impacts and that incorporate environmental features to mitigate any adverse impacts to fish and wildlife communities and habitats.

The objective of this REP is to identify and fully describe the LERRD that is necessary to implement the proposed project, and provide an estimate of land values and describe the real estate interests required to support construction and subsequent operation and maintenance of the

proposed project. In addition, the REP identifies real estate-related issues that have been addressed as well as issues that will need to be addressed in the next project phase during refinement of the project design.

#### **1.4 Feasibility Report**

The feasibility report for this project is dated December 1982. The Board of Engineers for Rivers and Harbors approved the report 22 December 1988. The Engineering After Feasibility Studies report (EAFS), dated 7 December 1988, was submitted on 22 December 1988 for review and approval. The EAFS was approved on xxxxx

### **2.0 Project Location**

The project area is located in the upper Chehalis River Basin in and near the cities of Centralia and Chehalis in Lewis County, Washington, about 80 miles south of Seattle. Proposed levee and floodwall elements, and environmental mitigation elements are located on the Chehalis, Skookumchuck and Newaukum rivers, as well as Salzer and Dillenbaugh creeks (See, REP Exhibit A, LERRD Maps, map 1-of-10 for project area overview). The Skookumchuck Dam and reservoir are located approximately 20 miles upstream from the confluence with the Chehalis River in Centralia. The Skookumchuck dam and reservoir reside outside of the NFS's political boundaries in Thurston County, Washington.

### **3.0 Access to Project Sites**

Existing public rights-of-way will be utilized to access levee elements that tie into or cross public roads. A 25 foot wide Temporary Work Area easement will be acquired on both sides of the levee footprints to provide access for construction activities. A 12 foot wide road constructed on top of the levees will provide access for purposes of operation and maintenance. The locations of ramps to provide access from public rights-of-way to the roads on top of the levees, for operation and maintenance of the levees, will be identified in the next project phase during refinement of the project design.

Some of the floodwall structures on the Skookumchuck levee element will require perpetual access easements from public rights-of-way across private lands to insure future access to the proposed floodwall structures. The location and valuation of necessary access routes across private lands will be identified in the next project phase when the project design is refined. Additional land values, NFS administrative costs and Federal review and assistance costs associated with acquisition of such perpetual access easement are covered in the real estate cost estimate contingencies.

### **4.0 Description of Lands, Easements and Rights-of-Way (LER)**

#### **4.1 Chehalis River Levees**

The Chehalis River levees described below will require approximately 41 acres of perpetual levee easements and 50 acres of temporary work area easements. The proposed project will be implemented in 3 separate construction phases. LERRD acquisition is scheduled to provide 12 months from the date the PCA is signed for acquiring Phase 1 LERRD, 24 months from the PCA signing to complete acquisition of Phase 2 LERRD, and 36 months to acquire and certify the remaining Phase 3 LERRD. NFS will have 12-36 months to acquire and certify the necessary lands available (See, Table F-2, *Phased LERRD Acquisition Schedule*). The Chehalis levee elements will protect flood-prone areas on the west side of the I-5 freeway between the cities of Centralia and Chehalis along the main stem of the Chehalis River. (See, Exhibit A, map 1-of-10).

Approximately 22.9 acres of the subject levee footprint and 25.3 acres of the subject temporary work areas are owned by public entities other than the NFS that need to be acquired to implement the proposed project. The NFS shall acquire approximately 17 acres of levee footprint and 21 acres of temporary work area from private owners. Approximately 2.7 acres within the perpetual levee easement footprint and 2.1 acres within the temporary work area easement footprint are owned in fee by the NFS. Federal appraisal principles for determining fair market value for crediting purposes apply to lands owned by the NFS prior to the date of Congressional authorization.

#### **4.1.1 Fords Prairie Levees**

The Fords Prairie levees will protect a neighborhood at the far northwest end of the project area near the City of Centralia. (See, Exhibit A, map 2-of-10). The current highest and best use of approximately half of the subject parcels within the Fords Prairie neighborhood is single-family residential with the remaining affected parcels split between public/quasi public and agricultural land use categories. Although single-family residences in Fords Prairie are being affected by the proposed levee footprint, the majority of affects are limited to extremely small, narrow strips of land that will not amount to a displacement of any residences.

The Fords Prairie levees affect 19 private landowners and 4 public landowners (City of Centralia, Port of Centralia, Centralia School District #401, and the Washington Dept. of Game). Within the levee footprint there are about 8.1 acres in public ownership and 3.4 acres in private ownership. The temporary work area easements will cover about 10.8 acres of public lands and 5.2 acres of private lands. Access to the proposed levee footprint is available from public rights-of-way at six locations along the levee alignment. Specific locations for perpetual access to the levee for operation and maintenance will be identified in the next project phase during refinement of the project design.

#### **4.1.2 Mellen Street to Salzer Creek levees**

A set of 3 levees will protect the west side of the I-5 freeway between Centralia and Chehalis (See, Exhibit A, map 3-of-10). The north end of this levee alignment utilizes two small levees on a parcel of land owned by the City of Centralia, which is the location of the Centralia's old sewage treatment plant that is currently being replaced at another location. These two levees tie into I-5 and Mellen St., respectively. The third levee in this group extends south from Mellen St. to Salzer Creek and is located predominately on WA-DOT land within the I-5 freeway right-of-way.

Highest and best use of lands within the proposed levee footprint is predominately agricultural. Other affected uses include 3 residential parcels, 2 undeveloped commercial parcels, 1 commercial-industrial and 1 public/quasi-public parcel. There are 5 private owners and 1 public owner (City of Centralia) that are affected by the subject levees. Approximately 0.22 acres of public lands and 1.1 acres of private lands are covered by the perpetual levee easement, and about 0.7 acres of public land and 2.5 acres of private land will be required for temporary work area easements. Access to this levee is available from public rights-of-way at Mellen St. and along Airport Rd. The location of perpetual access points for future operation and maintenance activities will be identified in the next project phase during refinement of the project design.

#### **4.1.3 Airport Levees**

The Airport levees tie into the west embankment of the I-5 freeway at Salzer Creek and run south along Airport Road to the I-5/SR-6 junction south of the Chehalis-Centralia airport (See, Exhibit A, map 4-of-10). Highest and best of lands within this levee footprint include

commercial/transportation on airport lands as well as two agricultural and one residential parcel. The Airport Rd. levees will protect the Chehalis-Centralia Airport and commercial-retail establishments located on the west side of the airport as well as the I-5 freeway from Salzer Creek south to the SR-6/I-5 junction. Access to the Airport Levees is available from public rights-of-way at Mellen St. and Airport Rd.

There are 3 private owners and 1 public owner (Chehalis-Centralia Airport) affected by the proposed levees. The perpetual levee easement covers about 7.3 acres of land in public ownership and 3.6 acres privately owned. The temporary work area easements cover about 5.7 acres of public land and 3.1 acres of private land. The location of perpetual access points for future operation and maintenance activities will be identified in the next project phase during refinement of the project design.

#### **4.1.4 Salzer Creek Levees East of I-5 Freeway**

The Salzer Creek levees tie into the freeway embankment on the east side of the I-5 freeway at Salzer Creek. The levee on the north side of Salzer Creek (right bank) will provide protection to development in the south end of the city of Centralia (See, REP Exhibit A, map 3-of-10). The levee on the south side (left bank) will protect development at the north end of the city of Chehalis (See, REP Exhibit A, map 4-of-10). Highest and best use of lands affected by the Salzer Creek levees is predominately commercial with half of all affected commercial use parcels being undeveloped and/or vacant. Land use on other affected parcels includes residential, public/quasi-public and agricultural.

The Salzer Creek levees affect approximately 35 private ownerships, 2 public ownerships (City of Tacoma and City of Centralia), and one parcel owned in fee by the NFS. The total levee easement footprint for the Salzer Creek levees is approximately 18.4 acres and the approximate size of the temporary work area easements is 24.2 acres. Within the levee easement footprint, approximately 12.4 acres are in public ownership including about 0.03 acres owned in fee by the NFS, and about 6.0 acres are in private ownership. Lands affected by the temporary work area easement include approximately 16.0 acres in public ownership including about 2.6 acres owned in fee by the NFS and about 8.2 acres are privately owned. Federal appraisal principles for determining fair market value for crediting purposes apply to lands owned by the NFS prior to the date of Congressional authorization. The proposed levee footprint is accessible from several points where the levee alignment crosses public right-of-ways. The location of perpetual access points for future operation and maintenance activities will be identified in the next project phase during refinement of the project design. Appraised LER values by estate for the Chehalis levees is summarized in the table below.

Estates	Acres	Estimated Fair Market Value
Flood Control Levee Easement	41	\$3,674,000
Temporary Work Area Easement (one-year term)	50	\$ 286,000
<b>TOTALS</b>	<b>91</b>	<b>\$3,960,000</b>

See Table F-1 for a cost estimate summary for the levees described above, including NFS administrative costs, Federal review and assistance costs and contingencies.



## 4.2 Dillenbaugh Creek Levees

Dillenbaugh Creek levees will be built adjacent to the west side of the I-5 freeway—starting at the SR-6/I-5 junction and continuing south along the I-5 right-of-way (See, Exhibit A, map 5-of-10). The Dillenbaugh levee footprint is predominately located within the I-5 freeway right-of-way on lands owned by the Washington State Department of Transportation (WA-DOT). The proposed levee will also affect 2 private owners. The NFS will need to acquire approximately 0.3 acres of perpetual levee easement and 0.8 acres of temporary work area easement outside of the I-5 freeway right-of-way. Access for construction is available from public rights-of-way. The location of perpetual access points for future operation and maintenance activities will be identified in the next project phase during refinement of the project design. Appraised LER values by estate type are summarized in the table below.

Estate	Acres	Estimated Fair Market Value
Perpetual Levee Easement	0.3	\$ 26,000
Temporary Work Area Easement	0.8	\$ 6,000
<b>TOTALS</b>	<b>1.1</b>	<b>\$ 32,000</b>

See Table F-1 for a cost estimate summary for the above-described levees, including NFS administrative costs and Federal review and assistance costs.

## 4.3 Skookumchuck River Levees- 100 year protection areas

The proposed Skookumchuck River levees will provide protection for approximately two river miles upstream from the Chehalis-Skookumchuck confluence on both sides of the Skookumchuck River (See, Exhibit A, Map 6-of-10). This element will utilize setback levees and floodwalls where the available area is not adequate to construct an earthen levee. The NFS will need to acquire approximately 5.5 acres for levees and floodwalls that are proposed for the Skookumchuck area and 9.5 acres for temporary work areas. Approximately 1.6 acres of public-owned lands are within the levee/floodwall footprint and about 1.7 acres of public-owned lands fall within the temporary work area footprint. Public landowners include the City of Centralia, City of Tacoma, and Washington Department of Game. Highest and best use for lands within the proposed footprint for Skookumchuck River levees includes residential, commercial-retail, vacant commercial and public/quasi public.

The majority of the Skookumchuck levees will be accessible from public rights-of-way that the levees cross or tie into. However, where access from a public right-of-way to levees or floodwalls is not available, a perpetual access easement will be required. (See, REP, Section 5.2.1, *Non-standard Estates*, page 8-of-17). The identification, and valuation of necessary access routes will be determined in the next project phase during refinement of the project design. Appraised LER values by estate type are summarized in the table below.

Estate	Acres	Estimated Fair Market Value
Perpetual Levee Easement	5.5	\$1,813,000
Temporary Work Area Easement (1 year)	9.5	\$ 161,000
<b>Totals</b>	<b>15.0</b>	<b>\$1,974,000</b>

See Table F-1 for a cost estimate summary for the above-described levees, including NFS administrative costs and Federal review and assistance costs.

#### **4.4 Skookumchuck River Levees- Betterment Areas**

The levees identified as Betterment Areas are not part of the Corps' proposed cost-share project. If the NFS proposes to include Betterment Areas within the scope of the construction contract, it must first demonstrate that it owns and controls a sufficient interest in the subject lands prior to the Corps advertising for construction. The NFS must also provide 100% of the estimated costs of construction associated with the Betterment Area portion of the levee alignment in advance of the Corps performing any work thereon.

The proposed Skookumchuck betterment areas include approximately 3.2 acres of perpetual levee easements and 0.14 acres of public-owned lands. Proposed temporary work area easements cover about 5.5 acres including approximately 0.4 acres of public-owned lands.

Estate	Acres	Estimated Fair Market Value
Perpetual Levee Easement	3.2	Not creditable
Temporary Work Area Easement (1 year)	5.5	Not creditable
<b>Totals</b>	<b>8.7</b>	<b>\$ 0</b>

See Table F-1 for a cost estimate summary for the above-described levees, including NFS administrative costs and Federal review and assistance costs.

#### **4.5 Skookumchuck Dam**

The Skookumchuck Dam area, according to the NFS, is approximately 871 acres including the spillway and water impoundment area behind the dam. The dam is owned by PacifiCorp, a private corporation, and a consortium of 8 public and private entities. Land values for the dam were provided by the NFS and represent the assessed value of the subject lands. The NFS has indicated that negotiations for purchase of the dam are ongoing between the NFS and dam owners. Assessed values for the dam and reservoir are provided in the table below.

Estate for Skookumchuck Dam & Reservoir	Acres	2001 assessed value
Fee Simple	<b>871</b>	<b>\$1,216,000</b>

See Table F-1 for a cost estimate summary for the above-described levees, including NFS administrative costs and Federal review and assistance costs.

#### **4.6 Mitigation Sites**

Lands necessary for the seven proposed mitigation sites are located throughout the general project area and will be acquired in fee. See specific site descriptions below for more detailed information on each mitigation site. The highest and best use of most lands affected by the proposed mitigation elements is predominately agricultural. There are also a small number of parcels affected by the mitigation elements that have a highest and best use of single-residential, mining/forestry, undeveloped-vacant, public/quasi-public and commercial. Access is available from public rights-of-way to each of the proposed mitigation sites and the sites will be acquired in fee; therefore, no additional access rights will be necessary. The Washington State Department of Natural Resources (DNR) will be consulted in the next project phase to determine if state-owned aquatic lands under DNR jurisdiction and control will be affected by the

proposed mitigation elements. See Table F-1 for a cost estimate summary for the mitigation elements described below, including NFS administrative costs and Federal review and assistance costs.

Estate for Mitigation Sites	Acres	Estimated Fair Market Value
Fee Simple	<b>387</b>	<b>\$2,720,000</b>

#### **4.6.1 Mainstem SR-6 Oxbow, SR-6 Bypass, and Scheuber Ditch, Sites 1 & 2**

The southern portion of this mitigation element (Site 1) is located south of SR-6 near Scheuber Road and will reconnect an existing oxbow to the mainstem of the Chehalis River. The northern portion of this proposed element is a riparian corridor that will connect with the oxbow mentioned above at the SR-6 Bypass and extend north along the Scheuber ditch. At the north end of Site 2, directly east of the Chehalis-Centralia Airport, a confluence of Scheuber Ditch with the Chehalis River is proposed (See, Exhibit A, map 7-of-10).

This mitigation element covers approximately 201 acres and affects 17 landowners, including 0.16 acres of land owned by the NFS that falls within the boundary of the temporary work area easement along Scheuber Road. Federal appraisal principles for determining fair market value for crediting purposes apply to lands owned by the NFS prior to the date of Congressional authorization. This mitigation element may also affect DNR lands below ordinary high water on the Chehalis River.

#### **4.6.2 Mainstem Oxbow, Site 3a**

This mitigation element is located to the north of the airport and will reconnect an oxbow to the main stem of the Chehalis River. The oxbow will also provide a riparian corridor that connects the oxbow with Scheuber ditch to the west. This element affects 5 parcels with 3 owners and covers approximately 69 acres of land (See, Exhibit A, Map 8-of-10)

#### **4.6.3 Mainstem Oxbow at Golf Course, Site 3b**

This mitigation element is located predominately on a public golf course (Riverside Golf Club, Inc.) to the west of the Chehalis-Centralia Airport. The effect on fair market value of the golf course was estimated in the gross appraisal to be a total take. Efforts will be made in the next project phase during refinement of the project design to assess impacts to the golf course and determine if a total take can be avoided. This element will reconnect an existing oxbow to the mainstem of the Chehalis River utilizing riparian buffers along an excavated channel. This element affects 6 parcels with 5 landowners and covers approximately 12.5 acres (See, Exhibit A, Map 8-of-10).

#### **4.6.4 Saulzer Creek-Chehalis Confluence, Site 15**

This mitigation element is located north of the airport at the confluence of Salzer Creek with the Chehalis River. This element affects 5 parcels with 3 landowners, the state of Washington, Wash. Dept. of Highways, and the city of Chehalis. Total acreage for this site is approximately 27.8 acres (See, Exhibit A, Map 8-of-10).

#### **4.6.5 Newaukum River at Stan Hedwall Park, Site 10**

This mitigation element is located on the Newaukum River southwest of Chehalis in and near Stan Hedwall Park. This element affects 5 parcels and 5 owners, and covers approximately 31 acres (See, Exhibit A, Map 9-of-10).

#### **4.6.6 MF Newaukum River, Tauscher Road, Site 13**

This mitigation element is located on the Middle Fork of the Newaukum River east of the city of Chehalis. This element affects 6 parcels and 6 owners including the State of Washington and covers approximately 41 acres (See, Exhibit A, Map 10-of-10).

#### **4.6.7 NF Newaukum River, Tauscher Road, Site 14**

This mitigation element is located on the North Fork of the Newaukum River east of the city of Chehalis. This element affects 6 parcels and 5 owners and covers approximately 5.4 acres (See, Exhibit A, Map 10-of-10).

## **5.0 Estates**

### **5.1 Standard Estates**

#### **5.1.1 Fee Simple**

The fee simple title to lands shown on Exhibit A, attached hereto, subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

#### **5.1.2 Flood Protection Levee Easement**

A perpetual and assignable right and easement in the land described in Schedule A to construct, maintain, repair, operate, patrol, and replace a flood protection levee, including all appurtenances thereto; reserving, however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

#### **5.1.3 Temporary Work Area Easement**

A temporary easement and right-of-way in, on, over, and across the land described in Schedule A, for a period not to exceed \_\_\_\_\_, beginning with date possession of the land is granted to the United States, for use by its representatives, agents, and contractors as a work area, including the right to move, store, and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the \_\_\_\_\_ Project, together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

#### **5.1.4 Restrictive Easement**

A perpetual and assignable easement for the establishment, maintenance, operation, and use for a restricted area in, on, over, and across the land described in Schedule A, consisting of the right to prohibit human habitation; the right to remove buildings presently or hereafter being used for human habitation; the right to prohibit gatherings of more than twenty-five (25) persons; the right to post signs indicating the nature and extent of the Government's control; and the right of ingress and egress over and across said land for the purpose of exercising the rights set forth herein; subject, however, to existing easements for public roads and highways, public utilities, railroads,

and pipelines; reserving, however, to the landowners their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired.

## **5.1 Non-Standard Estates**

All non-standard estates proposed for this project must be approved by CERE-AP prior to acquisition.

### **5.2.1 Perpetual Access Road Easement**

A perpetual and assignable non-public easement and right-of-way in, on over and across the land described in Schedule "A" attached hereto for the sole and exclusive purposes of the location, construction, operation, maintenance, alteration and replacement of a non-public access way and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures or obstacles within the limits of the right-of-way; reserving, however, strictly to the Grantor and its assigns, the right to cross over or under the right-of-way for any purpose whatsoever, which purpose shall not interfere with Grantee's use of the easement; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

The Grantors and Grantee further agree that the Grantors, their heirs and assigns, shall be entitled to change the location of the easement area, and the road and appurtenances located thereon, to accommodate the future use or development of Grantor's property so long as the new easement area, and the new roadway and appurtenances thereto, represent a reasonable substitute location and facility and so long as they are first provided by the Grantors at their sole expense. Nothing herein shall be construed to allow Grantee to create a public road, public access or public right-of-way on the easement herein granted or on any of Grantor's other property. This access is being granted solely and exclusively for the limited purposes of construction, operation, maintenance, repair, replacement and rehabilitation of a floodwall and rip-rap to be located along the Skookumchuck River on the Grantor's property as further described hereinafter in the Flood Protection Levee Easement. By accepting and recording this conveyance, the Grantee agrees to such limitation, which can only be modified by the express written consent of the Grantor.

### **5.2.2 Estate to be used where a road is utilized as a levee**

A perpetual and assignable easement and right of way in, on, over and across the land described in Exhibit A, for the location, construction, operation, maintenance, repair, alteration, replacement of a road and flood protection levee, including all appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; reserving however, to the owners, their heirs and assigns, the right to cross over the right of way as access to their adjoining land, the perpetual right, power, privilege, and easement to occasionally overflow, flood, and submerge the land together with all right, title and interest in and to the structures and improvements now situate on the land, except fencing (and also excepting \_\_\_\_\_) provided that no structures for human habitation shall be constructed or maintained on the land, that no other structures shall be constructed or maintained on the land except as may be approved in writing by Lewis County, Washington, and a representative of the U.S. Army Corps of Engineers, Seattle District, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to the landowner, their heirs and assigns, all

such rights and privileges as may be used and enjoyed without interfering with the use or abridging the rights and easement hereby acquired.

## **6.0 Navigational Servitude**

Based on information provided by the Regulatory Branch, Seattle District Corps of Engineers, Federal Navigational Servitude may only be exercised on the Chehalis River from the downstream limits to river mile 68.5—near Centralia. There are no project elements proposed within the Chehalis River below river mile 68.5; therefore, exercise of the navigational servitude is not anticipated for this project.

## **7.0 Induced Flooding**

The Corps has studied the possibility of induced flooding that may be caused by the Project. No induced flooding is predicted from Project features that will be constructed along the Skookumchuck River, including modifications to the dam, or Dillenbaugh Creek and Salzer Creek. The only induced flooding that could result from the Project is in the area along the Chehalis River upstream from the confluence with the Skookumchuck River where levees will be constructed to protect the City of Chehalis, public roads, and the municipal airport. All of the area that could be subject to induced flooding lies within an existing 100 year flood plain. The induced flooding area can best be described as the area within the flood plain starting about one mile south of the municipal airport, and proceeding north, bounded on the east by Interstate Highway 5, and on the west by Schueber Road. The induced flooding area terminates just north of the airport. Within this area, the Corps has estimated the Project effects as follows:

- a. Frequency: the Project will not impact the frequency of existing flooding.
- b. Duration: the Project will not impact the duration of existing flooding.
- c. Timing: the Project will not advance peak flood stage arrival.

Depth: the Project could result in a 4 to 6 inch maximum increase in depth during a 100-year flood. For smaller floods the depth declines, being 1.8 inches during a 50 year event and 1.2 inches during a 25 year event.

The Corps of Engineers should not have liability under federal law for a taking of property. The Project will not cause permanent or recurring flooding and damages from induced flooding would be speculative. Likewise, the non-federal sponsor should not be exposed to liability for a taking under state law because landowners will not be able to show a permanent and measurable reduction in value.

## **8.0 Public Law 91-646 and LER Acquisition**

The NFS has been advised of Public Law 91-646, as amended. The NFS has land acquisition experience and is fully capable of acquiring any lands necessary for the project. Exhibit “B” provides a detailed assessment of the NFS’ real estate acquisition capability.

All lands necessary for project implementation shall be made available by the NFS to the Corps by a Certification of Lands and Authorization for Entry and an Attorney’s Certificate, a copy of which is presented as Exhibit “C”. Within 180 days after authorization of entry for construction is granted, the NFS shall provide to the Corps all supporting LERRD crediting documentation, including appraisals submitted for crediting purposes for NFS lands made available for project purposes.

## **9.0 Relocation Assistance Benefits**

No relocation assistance benefits are anticipated for the proposed project. There are no families or businesses that will temporarily or permanently be displaced.

## **10.0 Minerals**

There are no known outstanding mineral interests or active mining operations in the project area that may affect implementation of the project.

## **11.0 Zoning**

According to the NFS, there are no zoning ordinances currently proposed in lieu of or to facilitate acquisition in connection with this project. Nevertheless, Section 5.5.7 of the GRR states that the non-structural components of the selected plan "... are a critical part of the projects success. The local sponsor will implement these actions to the maximum extent practicable." The project area encompasses four political jurisdictions including Lewis County, Thurston County, and the cities of Centralia and Chehalis. The NFS, Lewis County, will sign the Project Cooperation Agreement (PCA), which will require compliance with the selected plan including non-structural requirements such as ordinances that restrict development within the 100-year floodplain. Although Section 5.5.7 of the GRR states that a revised floodplain management plan will be completed prior to the signing of the Project Cooperation Agreement (PCA), there is currently no mechanism in place to ensure future enforcement of such measures outside of the NFS's political jurisdiction.

## **12.0 Facility and Utility Relocations**

Some utility relocations are anticipated for this project. Many of the levee alignments tie into existing roads and some sections of roadbeds may be raised and utilized as levees. Utilities are typically located adjacent to roads on poles or in underground installations. Specific identification of necessary utility and facility relocations and determination of whether the subject utility owners have a compensable interest in the affected property will be conducted in the next project phase during refinement of the project design.

## **13.0 HTRW**

The Corps has initiated an investigation to identify the presence and quantify the extent of hazardous, toxic and radiological wastes (HTRW) located in the project areas. A preliminary HTRW assessment was conducted via the Internet and through coordination with the Department of Ecology Toxics Cleanup Program, SW Regional Office, for occurrence of HTRW on lands, including structures and submerged land, in the study area. The assessment included a project review, review of site literature and project features, database search, review of available records and aerial photography, site inspections and interviews. It concluded that the levee would not affect any current contaminated facilities. Additional site investigations will be performed during the PED phase for the Skookumchuck levee alignment to confirm findings and survey for any additional contaminated sites. Further investigative work will be performed during PED phase of this project to determine the presence and extent of hazardous substances in the project area. (See, Chehalis GRR, Section 2.9, *HTRW Studies*).

## **14.0 Landowner's Views and Public Opposition**

There is a limited number of landowners that have voiced concerns to the NFS regarding how their land may be affected by the presence of a levee on their property (aesthetic impacts as well as potential limitation of land use options). A few other landowners who are located on the river-side of the proposed levee alignments are concerned that their property will not be protected. The local communities and residents, however, generally support the project.

## **15.0 Outstanding Third Party Interests**

All property interests acquired in support of the proposed project must take priority over any third party interests that could defeat or impair the NFS' title to the property or interfere with construction, operation and maintenance of the project. All third party interests must be cleared from the title or subordinated to the interest being made available for the project.

## **16.0 Risks Associated With Advanced Land Acquisition**

The NFS has been advised of the risks associated with advance land acquisition activities. The District supports the NFS decision to begin LER acquisitions in anticipation of signing the Project Cooperation Agreement (PCA), and will provide the NFS with Federal review and assistance.

Risks associated with advanced land acquisition that the NFS was advised of include, but are not limited to, the following:

- 1) Congress may not appropriate funds to construct the proposed project;
- 2) the proposed project may otherwise not be funded or approved for construction;
- 3) a PCA mutually agreeable to the NFS and the Government may not be executed and implemented;
- 4) the NFS may incur liability and expense by virtue of its ownership of contaminated lands, or interests therein, whether such liability should arise out of local, state, or Federal laws or regulations including liability arising out of CERCLA, as amended;
- 5) the NFS may acquire interests or estates that are later determined by the Government to be inappropriate, insufficient, or otherwise not required for the project;
- 6) the NFS may initially acquire insufficient or excessive real property acreage which may result in additional negotiations and/or benefit payments under P.L. 91-646 as well as the payment of additional fair market value to affected landowners which could have been avoided by delaying acquisition until after PCA execution and the Government's notice to commence acquisition and performance of LERRD; and
- 7) the NFS may incur costs or expenses in connection with its decision to acquire or perform LERRD in advance of the executed PCA and the Government's notice to proceed which may not be creditable under the provisions of P.L. 99-662 or the PCA.

## **17.0 Cost Estimate For Lands, Easements and Rights of Way**

### **17.1 Baseline Cost Estimate**

The baseline cost estimate presented below in Table F-1 provides a breakdown of the estimated fair market value of project lands, NFS administrative costs associated with LERRD acquisition activities, and Federal review and assistance costs. NFS acquisition costs include incidental acquisition costs such



as title, survey, appraisal, negotiation costs, recording fees and legal fees. Federal review and assistance costs include those costs associated with providing the NFS with LERRD requirements, review of acquisition and crediting appraisals, coordination meetings, review of right-of-way documents, legal support, and crediting activities. The total cost of LERRD activities including contingencies is estimated at approximately \$ 14,270,000.

A 20% contingency is utilized to cover possible land value variations over time. A 35% contingency is utilized for NFS administrative costs and Federal review and assistance due to various issues that must be addressed in the next project phase when the proposed project design is refined.



Area Name	Estate	Acres	Est. Land Value	NFS costs	Fed costs	Total
Chehalis Levees	Perpetual Levee Eas.	41	\$3,674,000			
	Temporary Work Area	50	\$286,000			
		91	\$3,960,000	\$528,000	\$214,000	\$4,702,000
Dillenbaugh Creek	Perpetual Levee Eas.	0.27	\$26,000			
	Temporary Work Area	0.77	\$6,000			
		1.04	\$32,000	\$27,000	\$24,000	\$83,000
Skookum Levees (NED Plan)	Perpetual Levee Eas.	5.5	\$1,813,000			
	Temporary Work Area	9.5	\$161,000			
		15	\$1,974,000	\$330,000	\$111,000	\$2,415,000
Skookum Levees (Betterments) (no LER credit)	Perpetual Levee Eas.	3.2	\$0			
	Temporary Work Area	5.5	\$0			
		8.7	\$0	\$0	\$67,000	\$67,000
Mitigation Sites	Fee Simple	387	\$2,720,000	\$278,000	\$110,000	\$3,108,000
Skookumchuck Dam	Fee Simple	871	\$1,216,000	\$47,000	\$32,000	\$1,295,000
				\$1,210,000		
				<b>Sub-Total</b>		<b>\$11,670,000</b>
				<b>20% contingency-lands only</b>		<b>\$1,981,000</b>
				<b>35% admin costs only</b>		<b>\$619,000</b>
				<b>TOTAL</b>		<b>\$14,270,000</b>

**Table  
F-1**

**Baseline Cost  
Estimate for  
Real Estate  
(BCER  
E)**



## 17.2 LERRD Acquisition by Construction Phase

It is anticipated that the proposed project will be constructed in 3 separate phases scheduled to begin in 2003 and end in 2007. The construction phases are summarized in Table F-2. LERRD acquisition for all construction phases is expected to begin in August 2003—the anticipated date for execution of the Project Cooperation Agreement (PCA). See, Table F-2, *Construction Phase Summary*.

Phase 1 project areas include the Skookumchuck Dam, the I-5 levee north of Salzer Creek, and the levees that begin at Salzer Creek and follow Airport Road south to the SR-6/I-5 interchange. Phase 1 LERRD acquisitions are anticipated to begin in August 2003 and be completed by August 2004.

Phase 2 project areas include the Salzer Creek levees proposed for the east side of I-5 between the cities of Centralia and Chehalis, the Dillenbaugh Creek levees in the I-5 right-of-way south of SR-6. Phase 2 acquisition activities will begin with the signing of the PCA in August 2003 and will need to be completed by August 2005. The NFS will have 18 months to complete Phase 2 acquisitions.

Phase 3 project areas include the Ford's Prairie levee at the far north end of the project to the west of Centralia, the Skookumchuck levees and floodwalls located to the east of I-5 along the Skookumchuck River, and the 7 proposed mitigation sites. Phase 3 acquisition activities will begin in August 2003 when the PCA is executed and should be completed by August 2006.

**Table F-2     Phased LERRD Acquisition Schedule**

**Phase 1** construction is anticipated to begin in the summer of 2004. The NFS will require approximately 12 months from the date the PCA is executed to acquire and certify LERRD (Jun 03 – Jun 04). Phase 1 construction currently includes the following proposed project elements:

- Contract 1—Skookumchuck Dam
- Contract 2—I-5 levees from Mellon St. to Salzar Creek
- Contract 3—Airport levee from Salzer Creek to SR-6

**Phase 2** construction is planned to commence in the summer of 2005. The NFS will have approximately 24 months to acquire and certify Phase 2 LERRD (Jun 03 – Jun 05). Phase 2 construction currently includes the following proposed project elements:

- Contracts 4, 5 & 6—Salzer Creek levees east of I-5
- Contract 2—Dillenbaugh Creek levees

**Phase 3** construction is expected to begin in the summer of 2006. The NFS will have approximately 36 months to acquire and certify Phase 3 LERRD (Jun 03 – Jun 06) for the following project elements:

- Contract 4—Ford's Prairie levees
- Contract 4—Skookumchuck River levees
- Contracts 7&8—Project Mitigation Elements including SR-6 Bypass

**EXHIBIT “A” REAL ESTATE DRAWINGS**

**EXHIBIT “B” NON-FEDERAL SPONSOR’S REAL ESTATE  
ACQUISITION CAPABILITY ASSESSMENT**

**EXHIBIT “C” CERTIFICATION OF LANDS AND ATTORNEY’S  
CERTIFICATE**